

**PROCEDURES FOR OBTAINING LEGAL OWNERSHIP OF ABANDONED
OR SALVAGED BOATS, ATV'S OR SNOWMOBILE**

**** (Not including property left at a Marina, storage or repair facility)**

Effective Date: 12/01/2002

Definition of Abandoned and/or Salvaged:

- (a) Has remained moored, grounded, or otherwise attached or fastened to or upon or immediately adjacent to private property for more than 30 days without the consent of the owner or person or entity in control of the property; or**
- (b) Has been found adrift or unattended in or upon the waters of the commonwealth and constitutes a potential health, public safety, or environmental hazard; or**
- (c) Has been in a wrecked, submerged, partially submerged, and inoperative or partially dismantled condition *within* the waters of the commonwealth for more than thirty (30) days; may be subject to Massachusetts General Laws Chapter 134 Section 1 and 4. Questions in this group should be addressed to the Department of Environmental Management at 781-740-1600.**
- (d) Recovered from a dump and/or landfill.**
- (e) ** Abandoned property shall not include any property that the owner, operator, or lien holder has placed at a marina, storage or repair facility, which is subject to the provisions of Section 14 of Chapter 255 or Section 63 of Chapter 91 or Section 108 of Chapter 6 of the General Laws.**

Procedure: (Definition a-b-c and d)

- 1. The Marine & RV Theft Bureau within the Massachusetts Environmental Police and the Registration and Titling Bureau have created a “Request for File Search” fact sheet (form AB-1) that must be completed and submitted. Registration and Titling Bureau will query the data base for the last known registered owner(s) or lien holder(s).**
- 2. The Registration and Titling Bureau will return your request form indicating either the last known registered owners name and address or an indication that system has nothing on file and if inspection is needed before continuing the process.**
 - i. If inspection is required, please call 1-800-632-8075 and request a Marine Theft Officer perform an inspection on the abandoned property. Recommend this be done first.**
- 3. If after 30 days the Division determines that the property is abandoned and not stolen, the claimant shall notify the owner, any lien holder and *Board of Underwater Archaeological Resources* (applies to item © in definition only), by certified first class mail, return receipt requested, to the owner’s lien holder’s or other required party’s address of record.**
- 4. If the owner of record does not reply within thirty (30) days, the claimant shall cause a notice to appear for three consecutive days in a newspaper of general circulation published in the county, city, or town where the property is located, where the owner of the boat has its address, or if the owner’s name and address are unavailable, where a lien holder has its place of business. The notice given pursuant to this section shall contain the following:**
 - i. A description of the property, including any identifying numbers;**
 - ii. A description of the location where the vessel is situated;**
 - iii. A statement informing the owner and lien holder of their right to reclaim the property within 30 days subject to the rights of any other lien holders.**
 - iv. A statement that failure to claim property will constitute a waiver of all rights, title and interest in the property; and**
 - v. A statement that if ownership or lien holder interest is not claimed and the vessel is not removed within thirty days of the last day of notice by publication, whichever is later, the claimant may apply to the division for title to the property.**

5. If the claimant cannot identify any vessel owner or ascertain the owner's address after a reasonable search record, and if no lien holder appears on record, the claimant need not issue the notice required in (3) above.
6. If the owner or lien holder fails to claim the property within thirty (30) days after the return receipt is received by the claimant or after the last day of notice is given by publication, whichever is later, and if the commonwealth is not the owner pursuant to section one hundred eighty of chapter six of the general laws, and if the United States is not the owner pursuant to federal law or regulation, the claimant may apply to the division for a title, subject to any lien which is valid and enforceable under any other statute, including Section 9 of Chapter 106 of the general laws.
 - i. (a) Request must include the following:
 1. Completed application
 2. Proof of payment of sales tax (ST-6)
 3. Copy of vessel inspection form
 4. Copy of Form AB-1 (Request for file search)
 5. A notarized affidavit by the claimant stating that the property has been abandoned for at least 30 days, that all notice requirements under procedure have been met, and that the property is not subject to section one hundred eighty of chapter six of the general laws, or federal regulations.
 6. A copy of the letter, if sent, to the identified owner and lien holders and accompanying return receipts. If letter came back, "moved no forwarding address", submit the actual envelope unopened. Note: if envelope is returned "unclaimed or refused" this would not meet the requirement. In the alternative, the claimant may supply a detailed explanation of the unsuccessful steps taken to identify the owner and any lien holder and to secure the address of the owner or any lien holder, including any returned notices; and
 7. In the case of notice by publication, original copies of the notice as published.
 8. Check made out to the Commonwealth of MA for the appropriate amount

The Division shall certify that the claimant has met the requirements of this section and such certification shall be included with the records of the granting of the title.

7. If property falls within (e) under Definition above, Marina or storage facility; you must follow Massachusetts General Laws – Chapter 255, Section 17. This requires civil action in the Superior court for the county where the property was at the time when the debt was contracted. Section 14 indicates an implied lien and Section 17 states Enforcement of lien provision. Should the court award the property to you; only then, property may be registered and titled.

- i. Upon award of the property by the Court, the Marina or storage facility may file to have property registered and/or titled in their name.**
- ii. Property subject to inspection prior to registration and titling by the Massachusetts Environmental Police.**

The above guidelines and procedures outlined will be the only way our Agency will deal with abandoned or salvaged property (Vessels, ATV's or Snowmobiles).